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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-90-

UNITED STATES OF AMERICA.

Plaintiff.

VS.

HECTOR FERNANDO ZAMBRANO-REYES.

Defendant.

2:14-cr-103-GMN-VCF

STIPULATION TO CONTINUE
GOVERNMENT'S DEADLINE TO
RESPOND TO MOTION FOR RELIEF
FROM PREJUDICIAL JOINDER
(Fourth Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Amber M. Craig, Assistant United States Attorney, counsel for the United States of America, and Osvaldo Fumo, Esq., counsel for Defendant Hector Zambrano-Reyes, that the Government's deadline to respond to the Defendant's Motion for Relief from Prejudicial Joinder, currently set for April 20, 2015, be vacated and continued for thirty days, or to a date to be set at the Court's convenience.

This stipulation is entered into for the following reasons:

1. The parties are engaged in plea negotiations which may resolve the case without the need to litigate the motion, and additional time is needed for the negotiations.

2. The Defendant is in custody and does not object to the continuance.

3. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

6. This is the fourth request for a continuance filed herein.

DATED this 20th day of April, 2015.

DANIEL G. BOGDEN
United States Attorney

/s/ Osvaldo Fumo
OSVALDO FUMO, ESQ.
Counsel for Defendant Zambrano-Reyes

/s/ *Amber M. Craig*
AMBER M. CRAIG
Assistant United States Attorney

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2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

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5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 vs.

8 HECTOR FERNANDO ZAMBRANO-
9 REYES,

10 Defendant.

11 **2:14-cr-103-GMN-VCF**

12 **FINDINGS OF FACT, CONCLUSIONS**
13 **OF LAW, AND ORDER**

14 **FINDINGS OF FACT**

15 Based upon the pending Stipulation of counsel, and good cause appearing therefore, the
16 Court finds that:

17 1. The parties are engaged in plea negotiations which may resolve the case without the need
18 to litigate the motion, and additional time is needed for the negotiations.
19 2. The Defendant is in custody and does not object to the continuance.
20 3. For the reasons stated above, the ends of justice would best be served by a continuance of
21 the response deadline.
22 4. Additionally, denial of this request for continuance could result in a miscarriage of
23 justice.
24 5. The additional time requested by this Stipulation is excludable in computing the time
within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18,
United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

25 **CONCLUSIONS OF LAW**

26 The ends of justice served by granting said continuance outweigh the best interest of the

1 public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely
2 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
3 within which to be able to effectively and thoroughly prepare for trial, taking into account the
4 exercise of due diligence.

5 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
6 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

7 **ORDER**

8 IT IS THEREFORE ORDERED that the Government's deadline to file its response to
9 Defendant's Motion for Relief from Prejudicial Joinder, currently scheduled for April 20, 2015, be
10 vacated and continued to the 20th day of May, 2015.

11 DATED this 20th day of April, 2015.

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13 HONORABLE V. CAM FERENBACH
14 UNITED STATES MAGISTRATE JUDGE

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